



ORIGINAL

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. **553**

April 26, 2006

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith HB 2208 HD1, without my approval, and with the statement of objections relating to the measure.

HB 2208 HD1

A BILL FOR AN ACT RELATING TO COUNTIES.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

VETO

HOUSE OF REPRESENTATIVES  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

H.B. NO. 2208  
H.D. 1

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## A BILL FOR AN ACT

RELATING TO COUNTIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 46-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§46-72 Liability for damages; notice of injuries.** Before  
4 the county shall be liable for damages to any person for  
5 injuries to person or property received upon any of the streets,  
6 avenues, alleys, sidewalks, or other public places of the  
7 county, or on account of any negligence of any official or  
8 employee of the county, the person [~~se~~] injured, or the owner or  
9 person entitled to the possession, occupation, or use of the  
10 property [~~se~~] injured, or someone [~~in~~] on the person's behalf,  
11 [~~shall,~~] within [~~six months~~] two years after the injuries are  
12 received, shall give the individual identified in the respective  
13 county's charter, or if none is specified, then the chairperson  
14 of the council of the county or the [city] clerk of [Honolulu]  
15 the county, notice in writing of the injuries and the specific  
16 damages resulting, stating fully in the notice when, where, and  
17 how the injuries occurred, the extent [~~thereof,~~] of the  
18 injuries, and the amount claimed [~~therefor~~]."

1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

APPROVED this            day of                    ,2006

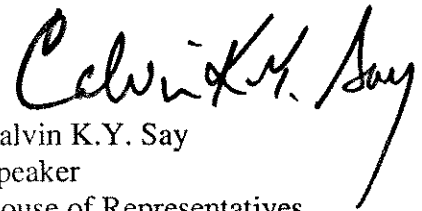
GOVERNOR OF THE STATE OF HAWAII

HB No. 2208, HD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 7, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Third Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say  
Speaker  
House of Representatives

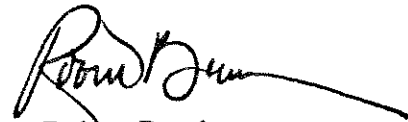


Patricia Mau-Shimizu  
Chief Clerk  
House of Representatives

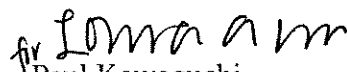
THE SENATE OF THE STATE OF HAWAII

Date: April 5, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Third Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda  
President of the Senate



Paul Kawaguchi  
Clerk of the Senate

EXECUTIVE CHAMBERS

HONOLULU

April 26, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2208

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2208, entitled "A Bill for an Act Relating to Counties."

The stated purpose of this bill is to extend the statute of limitations for actions against the counties for damage or injury from six month to two years.

This bill is objectionable because it is inconsistent with the intended purpose of section 46-72, Hawaii Revised Statutes, which was to create a claims procedure as a prerequisite to the filing of a lawsuit, not to establish a limitations period for filing a lawsuit. Notification of a claim within six months of the occurrence of the incident giving rise to the claim is to allow for a prompt investigation while facts and circumstances are still fresh, witnesses are still available, and conditions remain substantially the same. An early review of claims would minimize unnecessary litigation, because a determination can be made whether the claim is frivolous or should be settled before a lawsuit is filed. If the claim is denied, the claimant still has the option to file a lawsuit within the two-year statute of limitations set forth in section 657-7, Hawaii Revised Statutes.

The claims procedure provided by section 46-72 will become a nullity if the time to submit a written notice of a claim were identical to the time to file a lawsuit.

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 2208  
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For the foregoing reasons, I am returning House Bill  
No. 2208 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Linda Lingle', written in a cursive style.

LINDA LINGLE  
Governor of Hawaii